

Yale Law School Dean Robert Post Commencement Remarks - May 23, 2011

It is now my great pleasure to welcome all of you, distinguished guests, faculty colleagues, families, friends, and members of the graduating class, to the 2011 Commencement Exercises of the Yale Law School.

We gather today to celebrate a moment of consequence in the lives of **196 JD candidates, 26 LLM candidates, 1 MSL candidate, and 6 JSD candidates**. When these individuals finish their academic requirements, when the final staple goes through the final paper, and when the last examination is at last graded, they will be, quite simply, the finest new law graduates on the planet.

All the music, all the marching, all the medieval badges, robes, and ceremony that surround us this day, are meant to mark this single, decisive moment of high transition in the lives of these **229** graduates. As with all such moments of transition, it is an occasion *both* to take stock of the past *and* to assess the bright but inscrutable future that lies before us.

If we gaze backwards to the past, we can see that there is a long and winding pathway that has led to this graduation. Members of the graduating class have had to accomplish a great deal to arrive at this moment.

It is important to stress at the outset that these accomplishments, however heroic, are not those of our graduates alone. Behind each and every one of our graduates is a story of family and friends: of parents who nourished and sacrificed, who hovered and let go; of grandparents, uncles and aunts who supported and sustained them; of brothers, sisters, cousins, and friends, who stood by them and with them; of partners, spouses, children, and other loved ones who strengthened and inspired them.

The real education of our graduates was earned long before they arrived here at the Yale Law School. We are latecomers in their lives, and we have had them in our care only for an instant.

So, as we call to mind the past that has brought our graduates to this precious time, let us remember first and foremost those who truly made this moment possible. Would the families and friends of the Class of 2011,

many of whom traveled long distances to be here today, please rise, so that those assembled here today can honor you?

Let us honor also the faculty of this law school, who sit before you on this stage. It has been their responsibility to educate you, members of the graduating class, in the many intricate ways of the law. On this stage is, by common acclamation, the finest and most influential law faculty in the world. They have worked hard to give you a sense of mastery, so that the law might feel, in your hands, intelligible, familiar and responsive. They have offered you their passion for the law, and in the process they have forever altered the horizons in which you shall sail forward into your life. Let us now, as they are assembled here all together, thank them also.

We might take this moment also to thank those many members of the Yale community who have worked so hard to make your sojourn among us comfortable and secure. They have rescued your computers, piloted your forays into our remarkable library, maintained this gem of a building, staffed the indispensable dining hall, mailed out your many letters of recommendation, and performed a myriad of other services, of which you might or might not be aware.

I want to give special thanks today to Associate Dean Mike Thompson, whose inventiveness and attentiveness and sympathy for every concern, large or small, keeps this complex place running smoothly; to Associate Dean Sharon Brooks, whose endless good cheer and good advice has benefitted every student here; to Associate Dean Toni Davis, whose tender care for the Graduate Program has made us all stronger; to Associate Dean Megan Barnett, whose talented and tireless enterprise has benefitted all of you in the audience; and finally to our devoted and patient registrar, Judith Calvert, who has organized this day, and who works harder than any of you can imagine to make sure your requirements are fulfilled so that in fact you *will* be able to graduate.

Thank you all.

When most of you in the Class of 2011 first arrived in New Haven, my great predecessor, Harold Koh, asked that you look to the right, and look to the left, and that you see there not your competitors but your friends and companions, your neighbors in the community of the Yale Law School. Over your time here, all of you have learned with and from your classmates;

broken bread with them; partied with them; accomplished great things with them; depended upon them; dreamed with them. They have helped you reach this day, and they will be with you long into your bright future. They are among the most precious gifts that you will carry away from this place.

So now, in this instant, you should take a moment to appreciate each other and to breathe in the sweetness of being here, all together, for one last time. This is not a moment you will forget.

Moments of transition, like this, hang suspended between past and future. They are comforting, because they are familiar; they culminate all that has gone before. But they are also bittersweet, because something must end in order for change to take hold. In every ending is the challenge of a new beginning. Moments like this are therefore *charged*, in part with the excitement of new creation, but also in part with the vague disquiet of the unknown.

Your future is without doubt bright. You are now equipped with one of the great degrees in legal education anywhere in the world. You have acquired magnificent friends and astonishing peers. You have been trained

by masters. And you have earned the support of a school that will stand by you throughout your careers.

And yet, of course, in the nature of things, the future is uncertain. And I can't help but think that this uncertainty may resonate with aspects of your collective history. For you, the Class of 2011, have endured tumultuous and historic economic disruption. For those of you in the JD class, in your first semester here, in Fall 2008, the stock market collapsed, Lehman Brothers went bankrupt, credit froze, and our economy went into free-fall. Legal institutions were swept into this maelstrom. We have since seemed to assume a semblance of normality. The economy and the profession appear to be back on track. But the old, oblivious assurance has not returned. There is the quiet, nagging sense that ordinary life is a thin crust laid over a precarious sea.

The world *into* which you now graduate is not the same as the world *from* which you entered this Law School. And this shift cannot help but color your expectations on this otherwise splendid day. I thought therefore that I would say a few words at this time about how you might face a future

that continues to shift like a kaleidoscope into ever new and unpredictable patterns and shapes.

You are graduating into a world of national and international insecurity and unrest. From WikiLeaks to the radiation leaks in Japan, from the collapse of the American housing market to the collapse of housing in Haitian earthquakes, from the oily tides of Deepwater Horizon to the Pakistani floods, from death-dealing fire in Abbottabad to death-dealing winds in Alabama, the world is wobbling on its axis, spinning out inexorable and unfathomable challenges.

The old certainties—good and bad—are unraveling. Think of the staggering possibility of catastrophic global climate change; think of the possibility of democracy in the Middle East; think of the possibility that the health care act may be unconstitutional. What we thought we knew, we no longer know. We can be confident only that in the coming decades we will encounter a world of rapid and almost unimaginably profound change.

Today is the hinge on which swings the door that you open to leave this calm courtyard and to begin to face this daunting world. How could we possibly have prepared you for the uncertain challenges that await you?

I hope we have done so by giving you three gifts: knowledge, vision, and confidence.

Let me speak first about *knowledge*. It is probable that when most of you arrived at this law school, you imagined that to know the law, you needed to master the statutes and regulations in the books, the court holdings recorded in the reporters, and so on. Of course, you do need to master these things, and I hope that now you have a pretty good grasp of them.

But I am certain that you now understand something more—that to know the law, you must understand far more than texts, however authoritative some texts may be. Rules, regulations and decisions must be interpreted in light of what you think the law is or should be. And this means that knowledge of the law requires an understanding of the deeper purposes of the law, which include the question of how social action can be *intelligently* and *legitimately* directed to address contemporary challenges.

Knowledge of law entails competence in the practice of effective governance. You must comprehend the inner workings of institutions, the mysteries of incentives, the murky language of social values. Of course, in your short time among us, you cannot master the vast range of knowledge necessary to know law; that will be the work of a lifetime. But we trust that we have given you an appreciation of the law's requirements, so that when you face challenges, you will know where to look for answers.

A second gift I hope we have given you is *vision*. It is not enough to know the world as it is. When you leave these walls you must be able to imagine the world as it might be. You must be able to glimpse the possibilities of change, of improvement, of the city on a hill that we all yearn to inhabit.

Oscar Wilde once remarked that "A map of the world that does not include Utopia is not worth even glancing at, for it leaves out the one country at which Humanity is always landing." The poet Langston Hughes made the same point in 1938 when he wrote:

Let America be America again—

The land that never has been yet—

And yet must be—

Without vision of what might be, of how we can become better than we are now, we will be condemned to inhabit a world that is merely dreary, anonymous and fateful. So you must simultaneously know how things actually are, etched with acid fidelity to the facts, and you must always also be able to imagine things as they might be. I hope in your time here you have acquired the endowment of vision, so that you can see further than we have, and so that you can help lead us all from the wilderness in which we now wander.

And, finally, I hope we have given you the gift of *confidence*. It is not enough that when you leave here you *understand* the challenges you will face, or even that in facing them you are able to *envision* new possibilities of improvement. You must also believe, deep in your souls, that you matter, that your response to these challenges will make a difference to the world. You must have the *confidence* to respect your own considerable capacities, and this will inspire you to act, when action is needed.

This law school is absolutely distinct among educational institutions anywhere in the world, because of our unrelenting effort to empower you with *confidence*. While you have been at the Law School, we have persistently encouraged you to work together with your instructors and your classmates to imagine and to build legal institutions. We have given you the training and the support necessary for you to experience yourselves as capable and effective men and women. We have nourished your faith in yourselves as carefully and as lovingly as we have tended to your knowledge and your vision. Confidence and self-respect are quiet prerequisites for what you will need to accomplish.

On this day, as you depart from our immediate care, I invite you to consider that the uncertainties, the risks, the dangers, the opportunities that lie before you in the future, are simply the raw materials out of which you will fashion your own new worlds. You do *not* need to be confident about *what* events might bring, but you *do* need to be confident in your own *capacity* to master events and to respond to them with grace and intelligence.

That is the point of the education you have received here. From your first semester, when we withheld the external crutch of grades, we have attempted to communicate to you our trust that you will find the resources within yourselves to fashion *extraordinary* things out of your *ordinary* lives. We believed then, as we believe now, that you will become masters of your fate.

In your time with us at Yale Law School, we have sought to provision you to navigate the precarious sea of current events. Because we have offered you the three gifts of knowledge, vision, and confidence, you are each capable of great things. But that capacity brings with it responsibility for shaping our collective future.

We are confident that you will be faithful fiduciaries of this responsibility, because you have already accomplished dazzling feats. We have watched with pride as you have acquired the power to remap the geography of the law. We trust that the education you have received here has kindled a conviction in the value of the rule of law.

Let me just remind you now, for one last time, that the rule of law is one of civilization's great achievements. It requires you always to take the long view, never the short view. It requires you to remember that when law is severed from competence, it cannot long survive; but that when law is indifferent to justice, it becomes an abomination. It requires you to seek out and preserve the fundamental principles and values that sustain the historical integrity of nations.

Because when you leave here, you will become leaders in your chosen fields, these responsibilities will not lie lightly upon your shoulders. You will no doubt face insoluble problems. But it is the wish of all your teachers here that you may encounter the unimaginable adventures that lie before you with the same verve and intelligence, with the same unfailing self-respect, with the same moral courage, with the same pleasure and delight, that you have displayed during your time here among us.

We hope that you will follow the dreams that have grown strong within these walls.